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Then-Suffolk DA ordered police officer
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according to court papers

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PROSECUTION DETAILS

Spota and top aide plotted to obstruct justice: court papers

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Thomas Spota, while Suffolk district attorney in June 2015, demanded that a Suffolk police officer find out which officer was an informant against his protégé, then-police Chief of Department James Burke, telling the officer that anyone feeding information to federal investigators was “dead” and “they would never work in Suffolk County again,” according to papers filed Thursday by federal prosecutors.

Spota made the demand after he found out that federal investigators had reopened a dormant investigation started in 2013 into whether there was a cover-up of Burke’s beating of a man who broke into his department SUV, according to the papers. The documents are part of pretrial motions in the obstruction of justice case against Spota and a chief aide, Christopher McPartland.

Spota “went nuts” and told a cooperating defendant that it was “not possible” that the investigation had been reopened, the court papers say. This officer is identified in the papers only as CDI, for Cooperating Defendant 1. He pleaded guilty to conspiracy to obstruct justice as part of a cooperation agreement with the government and is awaiting sentencing, the papers say.

McPartland said at the meeting that he thought a particular police officer was a “rat” and he ordered CDI to “get his guys in order” and to “take his guys’ temperature and confront them one-on-one about whether they were a ‘rat,’” the papers say.

The documents unsealed Thursday are the government’s response to the pretrial motions by Spota and McPartland to dismiss certain indictment counts, including obstruction of justice, and force prosecutors to produce certain evidence, including the identities of prosecution wit-



Then-Suffolk DA Spota leaves court in 2017.



McPartland outside court in June.

nesses. Unsealed were investigators’ request to search a bank safe-deposit box and a search warrant for records of cellphones used by the defendants.

These records reveal in detail for the first time how Suffolk’s then-top law enforcement officers allegedly masterminded a cover-up that was wide-ranging and how the government’s probe was just as extensive. The defendants held key meetings at the district attorney’s office and St. Patrick’s Roman Catholic Church in Smithtown, according to the documents. The defendants used their government-issued cellphones and private ones to allegedly update each other on the federal investigation and plan their responses.

In asking the court to deny the defendants’ motions, prosecutors called them “nothing more than an attempt to obtain a detailed preview of the government’s evidence prior to trial.” Revealing the identities of their informants and witnesses, the prosecution argued, would endanger them and possibly hurt the “integrity” of the trial.

The prosecution papers say the cover-up of the beating began almost as soon as it happened at the Fourth Precinct in Hauppauge on Dec. 14, 2012.

Christopher Loeb had broken into Burke’s vehicle and stolen a duffel bag containing a gun belt, loaded gun magazines, cigars, sex toys and what Loeb later described as “nasty” pornography. Burke, who is now in a halfway house, is serving a 46-month sentence after



James Burke in December 2015.

pleading guilty to violating Loeb’s civil rights and conspiring to obstruct justice. Burke and McPartland were at the June 2015 meeting in Spota’s office, prosecutors say.

The papers say Spota and McPartland, as part of the cover-up, required police witnesses to obtain lawyers through the Suffolk County Police Benevolent Association and the Suffolk County Detectives Association and to get legal representation from a list of attorneys approved by Burke’s lawyer.

The prosecution contends the two arranged “for high-ranking members of the SCPD and union officials to interact with potential witnesses . . . to gather further information and control the flow of information.”

After the June 2015 meeting in Spota’s office, the papers say that “multiple meetings took place at which the conspiracy to obstruct the federal investigation continued” with the confidential witness, Burke, Spota, McPartland and sometimes others until Burke was arrested in December 2015.

In an August 2015 meeting to

discuss the federal probe, the court papers say, McPartland referred to the beating and said of the victim: “John Doe did not get beaten badly and there were no marks and that nothing would happen as long as the people that were in the room with John Doe did not talk.”

Spota’s attorney, Alan Vinegrad, reached Thursday night, said: “Tom adamantly denies and disputes the charges against him.”

McPartland’s attorney, Larry Krantz, said Thursday night: “Mr. McPartland strongly denies the charges and looks forward to the trial when the government’s accusations will finally be tested.”

Burke’s attorney did not return calls for comment.

The prosecution papers say Burke, while in prison, arranged for others to pass on \$25,000 in cash to McPartland after the Spota aide “began to cry” to a mutual friend that he needed the money for his legal defense. The cash came from a safe-deposit box Burke had in the Lake Grove branch of TD Bank, the papers say. The papers include an unsealed 2017 search warrant for the safe-deposit box, prosecutors say.

The papers also include an unsealed 2016 federal search warrant on the location of cell-tower sites of 10 cellphones of Spota, McPartland, Burke and five unnamed Suffolk police officers. The tower locations were used to verify the officers’ presence at various meetings, according to prosecutors.

Spota and McPartland were

charged in October 2017, more than a year after Burke was sentenced. Their trial is scheduled for May.

Acting Eastern District U.S. Attorney Bridget Rohde said at the time: “Over a period of more than four years, the defendants attempted to cover up the assault of a handcuffed prisoner by Burke by obstructing the federal grand jury investigation and, when they learned that the scope of the investigation expanded into an investigation of obstructive conduct, the defendants then attempted to obstruct the obstruction investigation.”

Documents filed then by the federal prosecutors in the case, John Durham and Lara Treinis Gatz, did not go into specific details.

But Durham and Treinis Gatz said then that Spota and McPartland “operated in a manner more akin to a criminal enterprise than a district attorney’s office,” and that the evidence against the two Suffolk officials was “overwhelming and consists of dozens of witnesses . . . fully corroborated by numerous sources of evidence . . . including telephone call detail records, cell site records, photographs, financial records . . . and other documentary evidence.”

The prosecutors added that many of the government’s witnesses were members of the Suffolk District Attorney’s Office or the Suffolk police department.

Spota and McPartland each have been charged with four felony counts: conspiracy to tamper with witnesses and obstruct an official proceeding; witness tampering and obstruction of an official proceeding; obstruction of justice; and accessory after the fact to the deprivation of civil rights.

If convicted, they each could face up to 20 years in prison.

Spota and McPartland have each been out on \$500,000 bond since their arrests. They have been barred from contacting witnesses in the case and are permitted to talk with each other only in the presence of their attorneys.

With Andrew Smith
and Ellen Yan

